

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In Re:
ANNETTE SMITH and WALTER SMITH,

Debtors.



Order Filed on October 4, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 18-20301
Judge: CMG
Hearing Date(s): September 19, 2018
Chapter: 13

Recommended Local Form

☐ Followed

☒ Modified

**ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.

DATED: October 4, 2018

A handwritten signature in cursive script, reading "Christine M. Gravelle".

Honorable Christine M. Gravelle
United States Bankruptcy Judge

Applicant: Bank of America, N.A. through Carrington Mortgage
Services, LLC, servicer and attorney-in-fact
Applicant's Counsel: Elizabeth K. Holdren, Esq.
Debtor's Counsel: Kevin C. Fayette, Esq.
Property Involved ("Collateral"): 5 Vicky Court, Hamilton, New Jersey
Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay
against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☐ The Debtor is overdue for _____ months, from _____ to _____.

☐ The Debtor is overdue for _____ payments at \$ _____ per month.

☐ The Debtor is assessed for _____ late charges at \$ _____ per month.

☒ Applicant acknowledges receipt of funds in the amount of \$ \$3,614.04
received after the motion was filed.

Total Arrearages Due \$ 40.62.

2. Debtor must cure all post-petition arrearages, as follows:

☒ Payment shall be made in the amount of \$40.62 within thirty (30) days of
the date of this Order.

x The regular monthly payment in the amount of \$1,218.22 due on September 1, 2018 shall be paid within
seven (7) days of the date of this Order.

☒ Beginning on October 1, 2018, regular monthly payments shall be paid in the amount
of \$1,218.22.

☐ Beginning on _____, additional monthly cure payments shall be
made in the amount of \$ _____ for _____ months.

☐ The amount of \$ _____ shall be capitalized in the debtor's Chapter 13 plan.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment:

☒ Regular monthly payment:

Carrington Mortgage Services, LLC

P.O. Box 3730

Anaheim, CA 92806

☐ Monthly cure payment:

4. In the event of Default:

☒ If the Debtor fails to make the payments specified above within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$ 350, and costs of \$ 181.

The fees and costs are payable

☒ through the Chapter 13 plan.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

Certificate of Notice Page 5 of 5
United States Bankruptcy Court
District of New Jersey

In re:
Annette Smith
Walter Smith
Debtors

Case No. 18-20301-CMG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Oct 05, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 07, 2018.

db/jdb +Annette Smith, Walter Smith, 5 Vicky Court, Hamilton, NJ 08610-6064

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 07, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 5, 2018 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Elizabeth K. Holdren on behalf of Creditor BANK OF AMERICA, N.A. eholdren@hillwallack.com,
jhanley@hillwallack.com
Elizabeth K. Holdren on behalf of Creditor Bank of America, N.A., through Carrington Mortgage
Services, LLC, servicer and attorney-in-fact eholdren@hillwallack.com, jhanley@hillwallack.com
John R. Morton, Jr. on behalf of Creditor American Honda Finance Corporation
ecfmail@mortoncraig.com, mortoncraigecf@gmail.com
Kevin C. Fayette on behalf of Joint Debtor Walter Smith kfayette@kevinfayette.com
Kevin C. Fayette on behalf of Debtor Annette Smith kfayette@kevinfayette.com
Kevin Gordon McDonald on behalf of Creditor BANK OF AMERICA, N.A. kmcdonald@kmlawgroup.com,
bkgroup@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8